

S O M E

Modest Remarks

O N

Dr. Sherlocks New Book

About the CASE of

ALLEGIANCE

D U E T O

SOVEREIGN POWERS, &c.

In a Letter to a Friend.

L O N D O N:

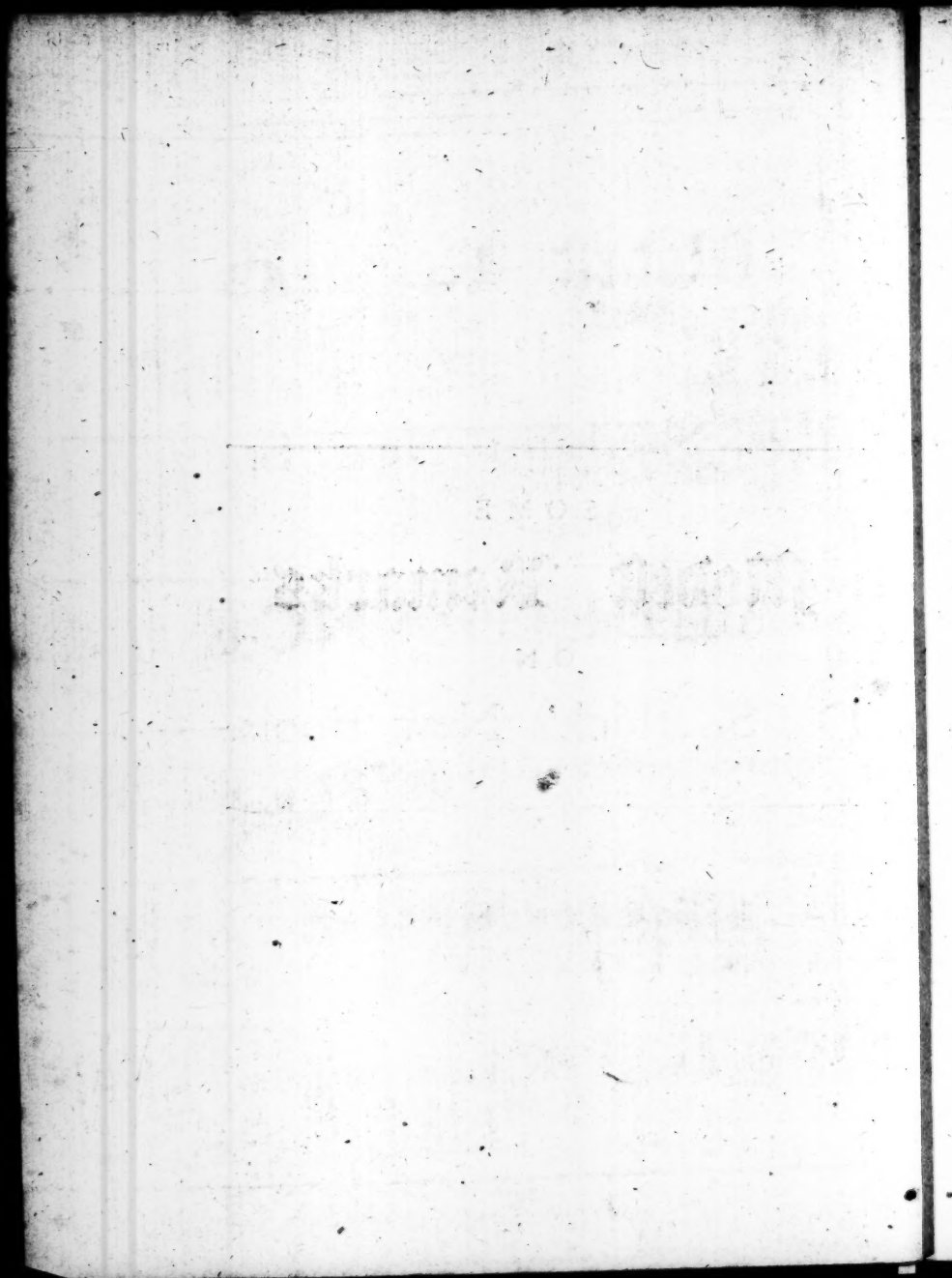
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Westminster. 1691.

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ON

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S I R,

I Acknowledge my self much obliged for your Letter of the 3^d of this instant *November*; but much more for the Present you made me, of a Book or Pamphlet that day published, bearing this Title; Viz. *The Case of Allegiance due to Sovereign Powers*, Stated and Resolved according to Scripture and Reason, and the Principles of the Church of *England, &c.* By Dr. *Wil. Sherlock*. I confess I have with some Impatience expected this Book, and did promise my self much satisfaction in the Perusal of it; and I have spent some thoughts about the arguing part of it: But must acknowledge, that I am not exactly of the same Opinion with the Author, which perhaps may be occasioned by my not so seriously and deliberately reading Bishop *Overall's* Convocation-Book, as the Dr. had done. I must own my want of Judgment in not laying so much stress upon the Passages therein recited out of the Convocation-Book; and I believe, if the same scruples and doubts upon the same Principles, had been only in a Person of great Learning and Station in the Church, which published the Convocation-Book, in all Probability, it might have been as convincing to him, as to the Dr. But to avoid Reflections on Persons, and to do what in me lies, to reconcile Persons and Parties, I shall give you (according to your desire) my opinion of

of the Dr's Reasons, and shall keep my self within the bounds of Decency and good Manners, paying a respect to the Authority that gives a License to the Dr's Book. I would willingly believe, that what this Reverend Author has published, was writ with a design to vindicate this present Settlement, and to convince some Persons that perhaps *stuck*, as the Dr. did, and *could find no help for it*; but with submission, I meet with new scruples upon reading the Principles the Dr. goes upon, which I don't find in any of the Pamphlets that have been writ upon that subject, *Viz.* 1. That those Princes who have no legal Right to their Thrones, may yet have God's Authority. 2. That when they are thoroughly settled on their Thrones, they are invested with God's Authority, and must be revered and obeyed by all that live within their Territories and Dominions. These being the declared Principles and Notions upon which the Reverend Author took the Oaths to Their Present Majesties King *William* and Queen *Mary*; it is reasonable we should attend him, and see how convincingly he proves it from Scripture, Reason, and the Doctrin of the Church of *England*. But before I enter into the Merits of the cause, I will a little consider the Preface, wherein he tells us in the beginning, these Reasons of his were extorted from him; if so, I fear it was out of an ill design, either against the Author or Government. But *his taking the Oaths after so long a Refusal, has occasioned a great deal of talk*; and I could wish, that the publishing his Reasons so long after, does not receive the Censures of some, and the malicious Invectives of others. Had my Opinion been asked, I would have advised silence in the Case, and permitted every Man to have *guessed* at my Reasons, rather than have published what I foresee will be the Occasion of a very ill-timed Dispute: I would willingly put this Interpretation upon the Dr's taking the Oaths now, *after*
he

*he had forfeited all his Preferments by refusing the Oaths, and had for ever lost them, had not the Government been more mild and gentle in delaying the Execution of the Law, that he did it from a principle of good, and that his not exercising his Ministerial Function, would be of worse consequence to the Publick, than his taking the Oath, and that the example of his taking them, might influence some as his not taking them sooner ('tis to be feared) did keep off others, which I think is a fault, to be wholly governed by Example, which if any have, I now wish they may in this follow their own Rules, so far as to let the Drs. Example engage them (if his Reasons will do it) to take the Oaths to their present Majesties, that thereby their Preferments in the Church may not be vacated ; for should they once be *Abdicated*, it would be a difficult thing to be *Restored* unless King James should return again, which at present I can't foresee any prospect. And the Dr. tells us that it was not out of any Fondness for the Government of King James, and Zeal for his Return that made him stick out so long, nor out of any Aversion to the Government of King William and Queen Mary, but that he did Pray for them both by name, according to the Apostles Direction to Pray for all that are in Authority. I cannot but commend the Drs. Zeal for their Majesties, but wish he had not so far exposed himself to the Censure and perhaps Confirmation of some ill Men, in those Principles which have been often condemned in most of our Pulpits and Pamphlets, *Viz.* The Submission to the Government in *Olivers* time ; for certainly according to the Drs. stating the Case, *Viz.* Possession, and Power to keep the Possession, which no Body can deny but *Oliver* had both, when he was Invested with Gods Authority. But
this*

this I shall consider elsewhere. In the next place the Dr. tells you, that his refusing the Oaths was against his own *Inclinations and Interests, out of pure principles of Conscience to comply with the Obligation of his former Oaths.* I was sorry to find the Drs. Inclinations and Conscience at such a Disunion ; but at last I find they are agreed. But what Obligation his Oath to King *James* has upon him I don't conceive. For I was taught that Allegiance and Protection was Brother and Sister ; and if my Governour put himself out of a capacity to protect me,

* *Treatise
of Monarchy*
4to. 1689.

or was Abdicated or deserted me, I know not by what Reason or Philosophy I must still continue my Allegiance to a thing that is not in being, or that I can't transfer my Duty to another that is in his place advanced there by Divine permission (as the Dr. words it) and the Approbation or Consent of the Authority of the Nation ; for it is of absolute necessity to have a chief Governour ; and if one that has been so, will so far abuse the power put into his hand, as to Incapacitate himself for Government, must the Governed immediately run into a Chaos of Confusion ? or submit to another set over them, either by themselves, or by the permission and disposal of God ? All Government is from God ; that's certain ; but the different Forms of Government are of Humane Stamp, and suitable to the Genius and Inclinations of the People. But there being so many Tracts lately printed upon this Subject, it would be Tautology to proceed. The Dr. *had a disposition of mind prepared to receive Satisfaction when ever it was offered,* and I am well assured that two worthy Prelates did endeavour to give him that satisfaction very early ; but till now their Reasons were not of weight enough to overcome his Scruples. Now he has

has published the Motives of his Conversion, and 'twould be almost as obliging, if he would please to give us the Reasons of his dissatisfaction; it might be of great use to some Persons, that perhaps *Strick* where the Dr. did, if they could meet with a satisfactory Answer to 'em, which is impossible they should, unless they are known. I wish the Dr. had not prevented me by making this Assertion, *that he can say nothing, but what may be easily answered; for that reason he has gratified some men, that they may have the opportunity of shewing their skill.* For my part, I am not fond of scribbling, much less of answering Persons so much my Superiors; but the matter in Question being so obvious to every Eye, but those governed by wild and groundless notions, invented by designing Men, and propagated by the weak and inconsiderate, about Prerogative and absolute Monarchy, the Effects of which, lost the late King *James* his three Kingdoms. And now another Notion as dangerous to all Government to be broacht, *Viz. Possession*, that I fear this may have an ill influence upon some Bigotted Zealots, forces me to make a few Remarks upon the Dr's Reasons. -- In the next place he tells us, *there are Others who are still dissatisfied about the Oaths, and are desirous to try if they can find that satisfaction which he has done without being a Wizard,* a Man may foretel that it is feared they will not by what the Dr. has published, but rather raise in them more scruples and doubts about Right and Possession than they had before, and will not allow that preference to the late Act of Parliament, which does declare the King and Queen, Rightful and Lawful King and Queen of England, &c. as they should, because the Reserv'd Master of the Temple (where so many Sages of the Law inhabit) tells them, it matters not Right or Lawful, but *are they in Possession, and able to maintain and defend that Possession*, then they are placed there by God, and must be obeyed. For my part I cant see wherein the Dr. has befriended the Government with his Notions;

'tis but a mean retaliation for the restoring him to his forfeited Preferments, *but his Duty to God, and to his Church, and to the Government, as well as Charity to his Brethren, did require these Reasons.* I would not be so unmannerly to suspect otherwise: But has powerful Interest no concern in the matter? I wish all Persons would follow the Dr's advice, to read *what he hath written for their sakes* (not his own) *Carefully and with an Honest mind, and to judge impartially, and take it kindly,* which if they do not, or should be misled by the Dr. about Possession and Right, I fear the Government will be losers by these Notions of his, were it not in a Capacity to support it self. I will not say the Dr. intended this as an advantage to its Enemies, because he tells us he prays for the K. and Q. by name, and none can be so base as to lay Hypocrisy to his Charge: but I heartily pray they may gain no advantage by it, or make more repent that they have sworn perhaps in another sense, than the Dr. lays down in his Book. I must agree with the Dr. *that we live in an age of Profaneness and Infidelity, which is ready to take all Occasions to reproach Religion, and expose it as a cheat and impostor, and blacken the Clergy as Men of no Faith or Religion,* and I am very sorry for it: 'Tis not our crying out against such crimes, will amend them, unless our Guides lead the Van, and by Example as well as Precept instruct the Unreformed: and I must say with reluctance, how shall it be otherwise as long as our Guides are of so many Opinions, some for one Government, others, for another Government? some for the Preservation of the Church of *England*, under a Protestant King and Queen, others, for the Preservation of it under a Popish King? some for taking the Oaths in their own sense, and with their own Gloss, others, in the sense of the Imposers, without any reservation? some taking them in the time the Law allowed, others, standing out till after the Battle at the *Boyne*? So that upon the whole there is too much occasion given for the offence, and the only Remedy I know, is to live up to what People profess, and avoid Censure and Back-biting, thinking

ing better of others, than of ones self. The Dr. goes on, *that the general Compliance of the Clergy in taking the Oaths, hath offended a great many devout Christians*; which I am very sorry for, and much lament that any devout Persons should be offended at Peoples swearing to the Government that protects them in their Religion, Liberties, and Properties, so much invaded in the late Reign of the Abdicated Prince, who has been solemnly declared incapable of Government, by his Illegal Proceedings against *Magdalen Colledge*, and his Erecting the High-Commission Court, and sending the Bishops to the Tower, and suspending the Bishop of London, &c. And others have been as solemnly declared King and Queen, by the same Authority, which was esteemed with us, the greatest Power here, except the Regal, and that being gone into *France*, could not be reasonably expected, unless he should come and divest himself (of what he had lost before,) and place the Crown upon their Majesties Heads that now are.

Present Settlement Vindicated.

Next the Dr. tells us, *that many that have not taken the Oaths, are great and Excellent Persons, and pray for that Restoration.* No doubt but some dissatisfied Persons are very excellent, and I pray God direct them that are sincere; but I fear some are ill designing Men, and don't take the Oaths that their Consciences are not dissatisfied, but really live as if they had no Conscience at all, and don't expect that preferment in this Reign, which their extravagant notions would have helped them to in the last. Besides it is with great Reluctancy that a Man can forgoe his own opinion, about some matters that he has argued very warmly about, especially when Interest does not sway him. The Dr. confesses himself to be but a Learner, and so we are all; none can arrive at perfection till he comes to Heaven.

Now the Dr. comes to the point, *that it is necessary to convince all sober Christians, that Men may swear Allegiance to King William and Queen Mary without Perjury, and without renouncing any Principle of the Church of Eng-*

land ; *nay that the Doctrin of the Church of England requires us to do so.* I would fain hope that there are but few sober confiderate Christians, but what are Friends to this Government, and have sworn Allegiance to it, and satisfied with the Legality of it long before now, or else I despair that many more will be convinced by these Reasons. For if a Man can't satisfy himself, about lawful and unlawful in twelve Months or more, I fear he will never arrive to any settled satisfaction. And as for the Perjury, I dont see any ground for it ; because, while King *James* was my natural Prince I preserved my Allegiance to him ; but his Desertion put a Period to my Allegiance as to him, and translated it to the Government in Possession, according to the Dr's. Notion. And for ought I can see, the Doctrin of the Church of *England*, requires us to swear Allegiance to the present King and Queen; but I don't find it any where to refer to the Prince in Possession, but to the Rightful and Lawful King and Queen ; and I should be much concerned, if all those worthy Clergy that have taken the Oaths to their present Majesties, in a notion different from what Dr. *Sherlock* has done, to be mistaken, or go from that Doctrin they have so long cultivated into their Hearers ; or that they should so far forget their Obligations to their own Consciences, as to prefer secular Interest, before Honesty to their Principles.

At length the Dr. comes and tells us the Occasion of this great Change, which was the reading over Bishop *Overall's Convocation-Book*, which not only confirm'd his former Notions, but suggested new ones, and removed Difficulties. So that by this, the Dr. was wavering before between two Opinions, and the timely printing and publishing that Book thorowly convinced him: But might not the Dr. have had a sight of it in Manuscript before, if he had the least hint of any satisfaction to be found in it ? Now he comes and tells us, he has made every Reader his Confessor, and declared his whole heart to him : But it is with this Limitation, only

only in reference to the present Government about the Oaths, and so every Author may say, *He has discovered his whole Heart upon the Subject he has writ upon.*

But now the Dr. comes to a Recantation of one Principle that he taught in the Case of Resistance, *Viz. That when St. Paul says, all Power is of God, he means only legal Powers ; but that in an Hereditary Monarchy, where the right Heir is living, Usurp'd Powers are not of God.* The Dr. answers this himself in the Book, therefore shall stay till I hear what he says to it. I find a Man may upon better Information change his Judgment, which is much better than to continue in an Error, rather than to be thought Infallible.

He owns, it has been of late years a *prevailing Mistake*, to preach up Prerogative and Unlimited Passive Obedience and Non-resistance, and imposed by such great Authority that it is very pardonable ; which I deny. Either the Assertions were true, thus imposed, or not ; if false, and the Maintainers of them knew it was only to serve a turn, they were very insincere and dishonest with the People, and therefore not so easie to be pardoned, *tho' freely acknowledged.* But with Submission to better Judgment, the Case the Dr. refers to, was too great a distance from the time when printed, and no more likelihood of a Rump than only the noise of one in Peoples heads ; which if true, according to the Dr's Opinion, if that had *Possession*, he would have submitted, and sworn to.

But to take leave of this Preface, for Argument sake, he reasons upon the suppositions of unjust Usurpation, and illegal Revolutions of State ; which according to his Notions of Possession and Right, is an Absurdity ; for none can be unjust that has Possession, and vested with God's Authority ; but he would not have us think, that by it, he reflects upon the present Government, which he is far from intending to do ; but if any should be so uncivil, how will the Dr. help it ?

I am easily convinced, that the *best way of arguing, is to put the Case at the worst that can be supposed, for advantage to the*

the Argument, to convince those who are strongly prejudiced against the Legality of the late Revolution. But I am not for raising more Objections than I have Answers ready for; and I hope the Dr. has fully convinced all Non-swearers by his Arguments: for he tells them, he doubts not to make it appear, that it is their duty to swear Allegiance to the present Government, when required so to do; and if they should be so convinc'd, I hope they will keep their Oaths; and then as the Dr. has it, it will be needless to debate the Legality of the late Revolution, when we are in a Capacity to maintain it.

Now to the Subject of the Book, where the Case is (S. 1. page 1) plainly and briefly stated, and that that has perplexed the Cause; and the Dr. has been *intermixing the dispute of Right, with the duty of Obedience, or the Legal Right, the foundation of Allegiance* which he owes is *unnecessary, and unfit to dispute.* Now he does not tell us, that he has taken the Oaths to Their Majesties, as right and lawful King and Q. but to them as K. and Q. *de facto*, or in Possession. So some other Person must justify their Titles, the Dr. only justifies himself, as he supposes, and out of mere Modesty declines that Dispute, *as being both above him, and nothing to his present purpose.* And on the other hand he sums up all the scruples and doubts of the Non-swearers, *Viz. That Allegiance is due only to a Legal Right; and tho' a Prince be dispossess'd of his Throne, yet he has Right still, and our Duty is owing to him, and to no other; and our Oaths still bind us to him, and to swear to any other is Perjury. Very good; but what does the Dr. do or say to obviate these Scruples? E'en not one Word, because he wants skill in Law and History, and the Constitution of the English Government.* So that the Government must stand and fall without the Dr's being Champion for it. But these scruples being so often already answered, I don't think it my task to do it, when the Dr. has declined it; but he owns, *it is plain that our old Allegiance and old Oaths are at an End, when God has set over us a new King, with which I heartily agree; and per-*
haps

haps I may find the Dr. will agree in more received and certain notions of Government, before he leaves the Argument, *tho' his Scheme of Government may startle some at first. But for the Ease of Subjects in all Revolutions, and from an inward Principle of Self-preservation, (which I find the Dr. has a tender regard of) have always done.* And the Dr. promises to prove, both from Scripture, Reason, Doctrine, and Principles of the Church of England; but he begins with the last first, tho' he denies the preferring it before, or equaling it with Scripture; and all this out of Bp. Overall's Convocation-Book. And of what Authority this is, I must confess my self ignorant, being not enjoined either as to Doctrine, or Worship, or Discipline, by any Canon, Rubrick or Order in the Church, but a bare Narration of matter of Fact, of what passed in the Convocation, in the time of King James I. And I will not pretend to quarrel with the Positions there laid down, being not to my present purpose, but do heartily wish, that the same reasons that obliged the Dr. to swear, were powerful enough to convince the publisher of Bp. Overall's Book. I do agree with the Dr. that some men lay too much weight upon some Doctrins that are not infallible, and charge their Brethren that come not up to their pitch, with Apostacy.

He tells us (p. 4.) *That the Church of England has been very careful to instruct her Children in this Duty to Princes, to obey their Laws, and submit to their Power.* I wish this Church had a power to perswade too, as well as teach. For many People know their duty, that have no will to do it. I believe a great many sober Non-Swearers would be glad they could do as the Law requires, and will sit down peaceably under the present Government. But it is natural for them to hope for a Change, either in the Government, or in their Consciences, that they may be in a Capacity to support themselves and Families; but how it comes to pass that the generality of Non-Swearers are of the Clergy, is a Riddle to me, unless they have so far confounded their Judgments about Right and Possession, Natural Allegiance

ance and Legal Allegiance, and other Niceties, which the Vulgar and Illiterate are ignorant of, that they will allow their Majesties neither. Then the Dr. comes to Usurped Power, and says, (p. 5.) *When they are thoroughly settled, have God's Authority.* Now here rises a Nicety, when shall we that are Subjects know when a Government is thoroughly settled? Why, without the Distinction of the Schoolmen, or the Deliberation of a Royal Society, the Dr. has determined it, *Viz. That if it should at any time happen, that the rightful Prince should be driven out of his Kingdom, and another placed in the Throne, and settled in the full Administration of Government, then Priests and People must obey for Conscience sake, and out of Reverence to the Authority of God.*

I remember I have seen some Queries proposed by Mr. Will. Jenkins, being the grounds of his Submission to the Parliament, much of a piece with the Dr's Reasons; and upon the same Topicks he was satisfied, and did petition the Parliament for a Release from Imprisonment, and upon his Petition they did pardon him of the Treason laid to his Charge, which was for being concerned in Mr. Love's Business, about Restoring K. Charles II. *Viz.*
 1. *Whether the Removal of Kings, and the Possession of Governments by others, are not Alterations ordered by, and founded on God's Providence? And therefore, whether Refusal to yield Obedience and Subjection to this present Government, under pretence of upholding a more righteous Title, be not as contrary to the Law of England, (by which the Party in Possession of the Crown is adhered unto, against the best Pretender who is out of the Possession,) for refusing to acquiesce on the wise and righteous pleasure of God? An Opposition of a Government set up by the Sovereign Lord of the whole World; a flat Breach of the fifth Commandment; and of that Injunction, Rom. 13. 8. To conclude: Such a resisting even of God himself, as none can have peace in continuing in, much less in acting for, least of all in suffering for.* Thus far Mr. Jenkins; and in him it is but Cant and Enthusiasm, but in Dr. Sherlock, Orthodox Doctrine.

I am now come to the *State of the Question*, and the *Doctors Reasons*; which if they be not something that was never known before, (as being the Effect of his Prayers, after his absenting himself so long from the People, whither like *Endymion* in Conversation with the Moon, or like that of *Solon* to Consult the Delphick Oracle,) they will signifie little. Otherwise it will shew, that the *Doctor* was only rubbing up his Memory with the many Learned Writers that have thoroughly Discus'd this Question upon the never to be contradicted Principles of Nature and Reason, and upon the *Materia Prima* of Government which was originally in the People. So that where the General Consent of a Nation adjudge it convenient, for the Welfare of the whole, to change the Person of the Supream Magistrate, the Person so by them made Choice of, has an immediate and most undoubted Right to govern them: And on the other side, the Person whom the General Consent of the Nation Rejects, is at the same Instant most Legally and Lawfully Dispossessed.

Well then, the State of the Question is this, Whether Allegiance be due to any other than a *Legal Right*; from which some will be apt to insinuate, that their Present Majesties have no Legal Right so long as *K. James* lives, *Who tho he be Dispossessed of his Throne, if ever he had a Right, has a Right still, and consequently our Oaths of Allegiance to him are still binding.* And this was the Cavil, for it is no Argument, that so long Cramp'd the *Doctor's* Conscience: As if the *Doctor* could be so Ignorant of the Constitutions of this

Kingdom, as not to know that the Constitution of two Parliaments was uncontrollably sufficient to Establish a Legal Right in their Majesties to the Throne; and that by the same Power the Right of *K. James*, being rejected by the Body of the People, was absolutely Vacated and Dissolv'd. There is no Man who bears a Respect for the Doctor, that can well believe he should have so much Abdicated his Reason, as to believe, that they who called in His Highness the Prince of *Orange* to withstand, with Armed Force, the Proceedings of *K. James*, and give him Interruption in his own Dominion (of whom there are some still troubled with the same Scruples that hamper'd the Doctor's Conscience so long) did not break their Oaths to *K. James*. 'Tis to be fear'd they would have been condemn'd for such as Traytors, had *K. James* prevail'd. And it is not improbable, but that the Doctor was as willing to be rid of *Father Peters*, and the *High Commission Court*, as any of the Rest. Now here's the Riddle, that Men should not Scruple to break their Oaths of Allegiance to *K. James*, nay perhaps be so strangely deluded, as not to believe they had broken their Oaths in calling in the Prince of *Orange*, and importuning him to take the Government upon him, and acting under him, and countenancing his Authority in and their several Stations, and yet afterwards refuse to Swear Allegiance to Him, when he was legally Invested in the Throne. As if they that hold the Man by the Hair, were not as Guilty as they who cut off his Head.

But now the *Doctor*, Heav'n's be Prais'd, is got o' the better side of the Hedge: Nor is our Business to oppose the *Doctor's* Reasons, but to shew the World, that they come too late, signify little or nothing, and only serve for a Fig-leaf to cover the Nakedness of his so long Dissenting from so many Pious, Great and Learned Men.

But now to the Reasons themselves, which the *Doctor* Under-props with very Feeble Pillars to support the Weight of a Structure answerable to the Expectations of the World: For by allowing an Uncertainty in his first Position, he gives his Adversary a strange Latitude to deny his first Assertion, and puts himself upon an unnecessary Trouble, of proving that which all Men of true Sense and Judgment are already convinced of.

If, says he, Allegiance be due, not for the sake of Legal Right, but Government;

If Allegiance be due not to bare Legal Right, but to the Authority of God;

If God, when he sees fit, and can better serve the ends of his Providence by it, sets up Kings without any regard to Legal Right or Humane Laws;

If Kings, thus set up by God, are Invested with Gods Authority, which must be obeyed not only for Wrath, but for Conscience sake;

If these Principles be true, it is plain, that Subjects are bound to Obey and Swear Homage to those Princes whom God has placed and settled in the Throne, whatever Disputes there may be about their Legal Right.

And now what need of drawing the Consequence from such Propositions as these; for it is plain, that he makes a Doubt of the Legal Right of their Present Majesties, by dis-joyning *Legal Right* from *Government*; and *Legal Right* from the *Authority of God*; and makes as if God had set up their Majesties to serve the ends of his Providence, without any regard to Legal Right, or the Laws of the Land; only that being so set up, they are to be obey'd, like Tyrants and Usurpers, not only for Wrath, but for Conscience sake.

This is the Sence that naturally flows from the *Doctōr's* Text, and his Propositions had been stated properly enough, had he been an Advocate for *Oliver Cromwell*; but if his Business be to justify the Lawfulness of Taking the Oaths to *King William* and *Queen Mary*, from such Positions as these, he is quite beside the Cushion, his *If's* are Maimed and Imperfect; and their Majesties are extreemly beholding to him for Ranking them among those that God sets up without any Regard to *Legal Right* or *Humane Laws*.

We therefore affirm, without mincing the Matter, that they have a *Legal Right*, as well as the Possession of Government; nor do we disjoyn their
Legal

Legal Right from the Authority of God, and yet draw from thence the same Conclusions as naturally as the Doctor does from all his Five Politick *If's*.

However the *Doctor* is bound to prove his Positions as he lays them; to which purpose he brings his dearly beloved Darling, Bishop *Overall's* Convocation Book, for his Topping Authority, remarkably giving Bishop *Overall* the Precedence before Scripture and Reason. Tho it is the Opinion of some, that he had much better have never meddled with Bishop *Overall's* Convocation Book. For all Men that know the History of those Times, well understand what sort of Convocations those were in the Reign of King *James* the First, when the Chief of the Clergy were generally Favourers of the *Spanish* and *French* Matches, prefer'd to advance the Prerogative of a King; such as flatter'd the King in those Designs, and strain'd the Scripture to justifie his illegal Proceedings, to inure the People to blind Obedience to Princes, and thereby to make them ready for the Yoke that was preparing for their Necks. 'Tis a thousand to one, but that same Bishop might be a Member of this Convocation, who thank'd God, he had never read a Line either in *Chaucer* or *Calvin*; and in a Sermon at Court made use of this *Simile*, That our Religion, like the King's Army, stood between two Beasts, the Puritan and the Papist. Had he made use of *Swarez*, *Spinosa*, *Grotius* or any of those Famous Writers that have largely handled this Subject, the *Doctor* had then shewed his Learning, and fetch'd withall far better and more strenuous Reason than any he produces out of
Bishop

Bisliop Overall. For the main thing that the Doctor fetches out of that Book is to prove, *That they who have no Legal Right to their Thrones, may yet have Gods Authority.* And Secondly, *That when they are thoroughly settled in their Thrones, they are invested with Gods Authority, and ought to be obey'd, &c.*

What is this but to insinuate to the People that their Present Majesties have no Legal Right to their Thrones? This was none of the Doctor's Cue to meddle with, his Business was to prove, according to the Parliaments Declaration, that King James was Legally Dispossessed, and that he had Forfeited his *Legal Right*, and that therefore the Subject was absolved from their Allegiance to Him: That their Present Majesties have a Legal Right to the Throne, and consequently Gods Authority withall, and then the rest was easie to be inferr'd. Or else, if he thought it not so convenient to do this, he should have first endeavoured to prove, that their Present Majesties had no Legal Right to the Throne; and then his Arguments had come in their proper place, that notwithstanding they had no Legal Right to the Throne, yet the People were bound to Swear Allegiance to them. And that this is the main Scope of his Book, he must be oblig'd to acknowledge, or else all his Arguments, in reference to their Present Majesties, are out of Doors; and it is to be wish'd, he may not have Reason'd himself into a greater Premunire than he was in before. For his whole Book is nothing but a Reflection upon the *Legal Right* of King William and Queen

Queen Mary, since the main drift of it is to prove, *That by what means soever any Prince ascends a Throne, he is placed there by God; that we must pay our Allegiance to him that is King, though without a Legal Right*; and an hundred of such Expressions, that an Ignorant Person, or any remote Foreigner reading his Arguments, would take their present Majesties to be the greatest Usurpers in the World. And Men of penetrating Judgments cannot but believe that the *Doctor* had other Intentions in publishing his Book than to vindicate his Hesitations from taking the Oaths.

Here is a hideous noise of Legal and not Legal Right, of a King and no King, of a King *de jure* and *de facto*, the old Evasions and Cavils of *Jacobites* and *Malecontents*, which the Doctor in effect allows to be true, only he says, that because King *William* and Queen *Mary* are settled in the Throne, Their Authority is from God; and therefore they must be Obeyed: Which will, I fear, fix in some ill Mens minds a Misbelief of Their Majesties legal Right to the Crown, against a fitting occasion. The Doctor indeed has taken the Oath, but it is conditionally, that King *William* and Queen *Mary* be legally settled in the Kingdom, and have God's Authority; but not that he believes them to be lawful King and Queen of *England*: Thus persisting in his Endeavors to cajole the Nation by starting unnecessary, or rather, pernicious Doubts and Queries, and affirming uncertain Positions for certain Truths. For there is a vast difference between God's Authority, and the permitted Executions of his Vengeance. He bequeaths his Authority to good and

and virtuous Princes voluntarily, and of his free Pleasure; but he commits his Power to Tyrants and Usurpers, by the constraint of his Justice to punish National Transgressions. And therefore the Laws of God and Man allow a Nation to cast off the Yoke of Tyranny and Slavery, so soon as they find their opportunity; but none of those Laws permit Subjects to recoil from their Allegiance to rightful and virtuous Princes: So that by the Doctors own Arguments, if Tyrants may be resisted, as it's certain they may; it is no less plain, that they have not their Authority from God.

But notwithstanding all the Doctors Divinity, you may easily perceive he had a cautious Eye upon his own Interest, and this he does in part confess, that he was willing to see how Affairs would go in Ireland, before he quite tackt about: For, says he, *when the Power of the dispossessed Prince is broken, and no visible prospect of his recovering his Throne again; nay, if it be visible, that he can never recover his Throne again, but by making a new Conquest of the Kingdom by Foreigners, we may then look upon the new Prince as settled by God in his Throne, and therefore such a King, as to whom we owe an intire Allegiance to.* And thus you see the Reason, that it was not out of any Affection to the Persons or the Government of King William and Queen Mary, that at length he submitted to take the Oaths; but because he saw that it was morally impossible that the dispossessed King should recover his former Station, therefore he thought it high time to look about him before he lost all. The Doctor is clearly of Opinion, as all the Heathens and Persians were, that

that, he who has the best Success is favored by Heaven, and that God Establishes the Prosperous, right or wrong (for 'tis plain that he does not believe that Heaven at present assists the Justest, but the strongest Side) and therefore he is resolved to adore the Rising Sun. And indeed Conformable to this was the Doctrine of Dr. *Weston*, that the God of this World was the longest Sword well manag'd, which made him cry out in the Convocation to Protestants, *You have the Word, but we have the Sword.* This may be readily conjectured to be the sum of the *Doctors* Divinity and Reasons interlac'd with a competent Pittance of Politics, to shew that he does not altogether bear an Antipathy against the Conveniencies of this World ; more especially while we find him laboring to court the Prince in present Possession; let him be who he will, or what he will, or come by it how he will, 'tis all one, (for he makes no Distinction of King *William* and Queen *Mary* from the throng of Tyrants and Usurpers, *Turks*, *Muscovites*, and Great *Moguls*, for whose absolute Controul of their Subjects Allegiance he might have said as much.) What Injury has King *William* and Queen *Mary* done him, that his Divinity should be so Uncharitable, that he could not find out one Argument from the many conspicuous Virtues which they both possess to prove that their Majesties have a Legal Right to the Throne ; and why might there not have been one favourable Conjecture on the behalf of *God Himself*, that he did not always bequeath his Authority to those that had no *Right*, but that being so great a Judge of Right as he is,

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he might probably discern that Right on the behalf of their present Majesties Side, which the *Doctor* could not perceive, and therefore conferred an extraordinary measure of Prudence, Conduct, and Valor, and accompanied it with the Blessings of Providence : For it is not to be thought that the transcending Excellencies of Prudence, Fore-sight, and Courage, immediately descend upon Princes like the *Cloven Tongues*, but being infused before-hand, those Blessings that give Success to Virtuous Enterprises. This may be thought the Reason why God settled Their Majesties in the present Possession of the Kingdom, and preferr'd *David* the Mild and Righteous, before *Saul* the Boystrous and Disobedient. Now to prove that Their Majesties have as Legal a Right to the Throne, 'tis thought that the *Doctor* might have done it, for the Laws of Providence are various, as well to bless as punish; and therefore where Providence raises up a Person to be a Blessing to a People, it were to have an irreverent Opinion of God Himself, to think that he would serve the most glorious ends of his Providence, by setting up a Prince in England, without any regard to the Legal Right of the Person, or the Laws and Civil Sanctions of the Land.

Now if the Voice of the chiefest and best part of two Nations under Persecutions of a violent Prince, be the Voice of God, according to that ancient Maxim, *Vox Populi est Vox Dei*, more especially when not meant of the Rabble, but of the wisest and greatest Bodies of two Ample Nations ; it may be

be left for the *Doctor* to determine, whether those Illustrious Bodies were not Inspir'd by God himself to call in to their Relief, Elect and Anoint their Present Majesties, who upon the Forfeiture of the Prince in Possession, had the next Legal Claim of Right to the Throne of *England*? And then, whether such an Inspiration infus'd by Heaven, might not be deem'd to be a Nomination of the Person, considering the Circumstances of the Times, as effectual as that of *David* by the Inspiration of *Samuel*; and whether their Majesties had not thereby as Legal a Right to *England*, as *David* had to the Throne of *Judah*? And whether the Fugitive King, who had Deserted the Protection of the Kingdom, and was rejected by the same Illustrious Bodies of the Two Nations, might not be more justly deem'd to have lost his Claim of Legal Right, than *Saul* who never forsook his People, but dy'd in the Defence of his Kingdom. So that if God now *makes Kings not by any Express Nomination of Persons, but by the Events of Providence*, never any Events of Providence more conspicuously signaliz'd the Approbation of Heaven, than those which attended their Majesties Accession to the Throne.

Nor was this all, for as *David* had a Second Confirmation of his Right, by the Peoples Assembling together, and making a Covenant with him in *Hebron*, notwithstanding that *Saul* had Heirs then Living; so was His Majesties Title a Second time Established by the Two Nations Assembling, and making a New Covenant with him at *London*. Which is a far greater Argument for his Subjects

Swearing Allegiance to him, than the *Doctor's* Topic of *Present Possession*, which is worn very Thread-bare before the Conclusion of the Book.

But it is apparent it was none of the *Doctor's* Texts which he had undertaken to handle, to prove the *Legal Right* of their present Majesties: Or else after he had discarded King *James*, and absolv'd the People from their Allegiance to him, as he does, by telling the World, that *Our Oath to the dispossessed Prince ceases*, *Cessante Materia, and that tho the Man were still Living, the King was Gone*: And after he had reduced him to the Forfeiture of his Right, by laying to his Charge, the *Notorious Violations of the Peoples Rights*, *breaking the Constitution upon which himself stood*, and *striking at their Properties and established Religion*: To which he might have added, his intended Alienation of his Kingdom to the *Pope*, he might have easily found out where the most Legal Right to the Thrones of *Great Britain and Ireland* lay; and never have put himself to prove the Obligation of Swearing Allegiance to the Prince in Possession, tho he have no Legal Right: Which is nothing to the Matter, but only a Question all along begg'd, enough to blast the Reputation of their Majesties Unquestionable Title.

And if this may be one reason why the *Doctor* labours, with so much Earnestness, to prove, that all Kings are set up by God, whether good or bad, *Nero's* or *Heliogabulus's*, *Tiberius's* or *Domitians*, and by God immediately Invested with his Authority so soon as they are settled in their Thrones, which

which the *Doctor* looks upon as a certain Mark of Gods Investiture. For proof of which he says, *That no Man can take Gods Authority, but it must be given him.* Whence it must follow, that God gave those four abovementioned Monsters of Men, *Authority* to perpetrate all those Murders, Impieties and Inhumane Villanies which they committed; which if duly weighed, is but an Odd sort of Divinity. What God might allow them permissively to do, is one thing, but what he gave them his Divine Authority to do, is another. But the *Doctor* well knowing that God did at first derive an Original Power from himself to the People, to settle among themselves their own Supream Magistrates and Governours, which afterwards they lodg'd in their Trustees the Parliament, would by this means cunningly deprive the People of their Power, and return it back to God that gave it, in hopes thereby to avoid, or at least to excuse himself, for taking no notice of the Peoples Declaration in Parliament, and the Settlement of the Succession, by which their Majesties are now the immediate Lawful Heirs and Successors to the Crown of *England*, which as it quite Lops off King *James's* Legal Right, and fixes it in them, so it would Ruine the whole Foundation and Scope of his Treatise, which is in down right English, to obviate the Act of Parliament, and prove their Majesties to be absolute Usurpers: Else to what Purpose this Paragraph?

The Continuance of a Usurpation can never give a Right, unless that which is Wrong can give Right by Continuance: A Usurper by Long Continuance may Out-live those who formerly wore the Crown; but does
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it give Right to Him that has none, that he Out-lives those who had the Right? For tho no body has any Right to the Crown, how does this make him a Rightful King who has no Right?

Who does this Touch? Any *Pseudo-Mustapha* or *False Alexander*, or *Pseudo-Sebastian*, that have expelled some Lawful Prince out of his Territories? For if these Arrows are not Shot at their Majesties Right, the *Summa Totalis* of the Book signifies not a Rush; as being that which bends its whole Strength, to prove that the People and Refractory Clergy of *England*, are bound to Swear Allegiance to their Majesties, tho they have no Legal Right to the Crown. Nor does the *Doctor* any where assert they have to wipe off the Charge. However to prove that there is a Power deriv'd Originally from God to the People, and by them deposited with their *Trustees*, the *Doctor* needed not to have gone any farther than the Story of *David*, who tho he were nominated by God, yet would not God impose him upon the People, neither would *David* undertake upon him the Government upon the Prophets Bare Anointing him, until the People, Asssembled at *Hebron*, had taken him by General Consent, to be their King. And it were Nonsense at the Coronation to ask the Peoples Consent in the Choice of the New Prince, had not the People a Power to Assent or Refuse. Which tho it be become a meer Formality, in regard their *Trustees*, the Nobility and Gentry, have already answered for them; yet the Formality it self remains a Mark of their Ancient Power. And therefore in a Politick Sence, for we have nothing here to do with the Divine Sence;

Sence; it is not so true that Kings are Invested with all their Authority from God, since it is apparent that they derive a great part of their Authority from the People.

But says the *Doctor*, *If the People have such a Power to make Kings, they may have the same Power to unmake 'em.* Let the *Doctor* look to that, for 'tis business of ours. But when we say the *People*, we mean their *Trustees*, who are intrusted with their Fundamental Rights and Privileges, which the *Doctor* does in part acknowledge, where he says, that if Kings receive their Authority from Men and Humane Laws, he cannot imagine that their Power is any more than a Trust, of which they must give an account to those that have entrusted them with it: Which being the Doctrine of all Wise and Learned Men, except Court Sycophants, 'tis a wonder why the *Doctor* should question it. And then 'tis to be presum'd, that the Stories of *Richard the Second*, *Edward the Second*, and this present *Revolution* itself, are not so far distant from him, but that he may read them at his Leisure.

But as if the *Doctor* would undo all that he has said for the Conversion of those, who, as he did, scruple the new Oath, he tells them, *That the Doctrine of Obedience and Allegiance to the present Powers is founded on the same Principle with the Doctrine of Non-resistance and Passive Obedience, and therefore both must be true, or both false, since both are founded on this Principle, that God makes Kings, and invests them with their Authority.*

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Which is a false Inference ; for the Doctrine of *Non-resistance* and *Passive Obedience* is founded upon the Court Flatteries of some of our late Kings, in order to the Introducing Arbitrary Government. But the Dignified Clergy of late Times would acknowledge no such Doctrine, and were sent to the *Tower*, for their pains ; no more than would the Bishop of *London*, who was in actual Arms against King *James* ? and the Fellows of *Magdalen College*, that were turned out of their Livings for a time, for resisting and not passively Obeying the King's *Mandamus*'s, though according to the *Doctors* insignificant Hypothesis, he had God's Authority, because he was settled, as he thought, in the Throne. So that the Doctrine of *Non-resistance* and *Passive Obedience* being a Doctrine not only controverted, but by some practically deny'd, can be no solid Ground to lay the Foundation of a concluding Argument, or build a *Dilemma* upon. And therefore the Doctrine of Obedience and Allegiance to King *William* and Queen *Mary*, is not built upon the sandy Foundation of *Non-resistance* and *Passive Obedience*, but upon their Legal Right, as being declar'd by the People the True and Lawful Successors to the Throne, which was Abdicated ; and by several Violations of the Sovereign Trust, quite forfeited by King *James*.

If the Doctrine of Obedience and Allegiance to Their Majesties were grounded upon the Doctrine of *Non-resistance* and *Passive Obedience*, why did the *Doctor* himself stick out and not take the Oaths

Oaths at first, or at least as soon as Their Majesties were settled in the Throne, and were consequently invested with God's Authority; more especially being so sure as he is, that St. Paul teaches the Doctrine of *Non-resistance*, Rom. 13. Though with Submission to the *Doctors* being so positive, there are hundreds of Eminent Divines, who read no such Doctrine in the words, farther than as the Magistracy is lawful, and commands lawful things; and with that *Salvo* they also allow Obedience even to Turks and Infidels. But general Admonitions to private and singular Individuals, are no Conclusions for imbodyed Societies of Men. Besides, that the Reason of the Apostles Exhortation is quite contrary to what the *Doctor* is sure of; *The powers that be are ordained of God.* For it will be readily allowed, that lawful and lawfully commanding Powers were ordained of God; but no body will allow him, that the Supporters and Exercisers of Tyranny, Wickedness, Idolatry and Oppression, were ordained of God. Nor is it to be thought that the Litteral and Concise *Laconisms* of the New Testament, can be a Rule in all the various Revolutions and Emergencies of State; and therefore they must not be squeezed together by Scruple and Nicety, but be duly examined and compared with other Texts and Examples that give a greater Latitude: Besides, that Men in many Difficulties and Cases of this Nature have the liberty to make use of sundry most excellent and highly valuable Precepts and Maxims drawn from the Sources of Experience, Nature and Reason. Otherwise according to the Precept of the *Commandment*

the Cloak also, because King James took away their Livings in *Magdalen College* from Dr. *Faustus* and those other Gentlemen, they ought to have given him all the rest that they had in the World. But this *straight-facing* of Scripture brings many Divines into great Inconveniencies, while they pinch it up sometimes to serve their nice and scrupulous Consciences, and sometimes give it too much Latitude, to serve their more Ambitious Interests. And this was that which made Dr. *Hamming* and *Sirhorne* stretch it out to such a prodigious Extent, to advance the King's Prerogative beyond all the Bounds of Divinity, Law and Reason.

But this narrowing and widening the Sense of Scripture upon occasions, certainly was never the design of right Interpretation. And therefore it may be wondered, that the Doctor should be so positive to assert, that the Scripture makes no distinction, that ever he could find, between Kings, *Esopars* and Tyrants; he might as well have added, had he so pleased, when God himself makes so plain a Distinction between *Solomon* and his Son, between *Ezechias* and *Josiah*, and the Tyrants and Idolaters that succeeded them; and countenances himself the Revolt of the Ten Tribes from *Rehoboam* for his Tyranny and Oppression by saying it was his doing: Which palpably dissolves the Doctors general Rule of, *Let every Soul*, &c. And therefore if there were no Distinction made by St. *Paul*, then writing to private Persons, and individual Souls, the Doctor ought to have supply'd it, and not have created a Difference between the Epistle to the

Romans, and the first Book of *Kings*. For of all *Greek Words* which the *Doct^r* cites, there is not one of these which without an Epithet to distinguish it, but what signifies a lawful Magistrate or Magistracy. *And*, indeed are the general Words for Dominion, Power and Authority, which are the various Titles of Honor, which were given to the several Magistrates whether Civil or Military, at that time. But all these Names were still appropriated to lawful and moderate Governors and Governments. And it is apparent that the Apostle meant no otherwise from the Reason of the Exhortation to Submission given them. For *Rulers*, says he, *are not a Terror to good workers, but to the evil*. As much as to say, Good Magistrates, whom you are to Obey, will never disturb you as long as you do well, and therefore be obedient to them. So that although the Apostle makes no distinction in positive words, he does it in plain sense. And by not including *Tyrants*, the only single word in the Greek to denote lawless and exorbitant Power, apparently limits the word *men* or *All* to lawful and legal Dominion, leaving the Resistance of that to be determined by other parts of Scripture, and probably by King *David* Himself, who distinguishes with a witness between good and wicked Princes; and frequently denounces the downfall and Extirpation of the latter, which certainly could not be done without Resistance of their Wicked Powers.

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From hence he passes on to a superficial Discourse concerning the Nature of Oaths, and the Original of Civil Societies, much better discus'd by other more famous Writers. And then he encounters a certain Book call'd, *The Case of Allegiance, to a King in Possession*, which is as little to our purpose. But what I have already said, much exceeds the bounds of a Letter, and therefore shall not at present trouble you nor my self farther about it. I am

Yours, &c.

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